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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of)
)
An Allocation of Spectrum for)
Private Mobile Radio Services) RM-9267
)

To: The Secretary,
Federal Communications Commission

STATEMENT OF OPPOSITION TO RM-9267

I am writing in opposition to the Land Mobile Communications Council's proposal to re-allocate the 420-430 MHz and 440-450 MHz frequency spectrum to commercial, private, land mobile applications. Instead, I ask that the Commission change the Amateur allocation from secondary to co-primary with the U.S. government. Prior to the Cold War era, the Amateur Radio Service was a primary status user of these frequencies. With the tremendous success of the modern "no code" Technician license and the high growth of Amateur UHF operations, now is the time to restore Amateur Radio's historic primary status within the 420-450 MHz band.

If the proposed action were to take place it would seriously hamper the capability for Amateur Radio Operators to provide communications in time of emergency. For example, it would eliminate Amateur Radio UHF FM operation; seriously hamper the Amateur Radio VHF FM radio operations (because UHF is used for control and linking of 6-meter, 2-meter, and 220 MHz repeaters); would virtually eliminate Amateur Radio television operations at least in the Washington DC- Baltimore area; would seriously disrupt the

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Amateur Radio packet network and certainly terminate operation of my Amateur Packet Radio Bulletin Board. Much of the equipment in use by Amateur Radio Operators on the effected UHF band is capable only of operation on the portions of the band that is proposed to be reallocated.

The 420-450 MHz Amateur allocation is the second most used Amateur VHF/UHF band. The LMCC has requested "sharing" this band with Amateur operations yet provides no explanation for how "sharing" might occur. Based on the history of "sharing" with commercial services (particularly the example of AVL companies "sharing" 902-928 MHz who ordered hams off the air), "sharing" means that Amateur operations will be evicted from the band. This is what happens when commercial, for profit services "share" with not-for-profit, community service oriented Amateur Radio operations.

Amateur Radio has and will continue to share its VHF/UHF allocations with *mutually compatible* services and operations. These have included, the U.S. government, the U.S. military, NOAA doppler wind shear radar and other government radiolocation services. Amateur Radio has a long and proud history of supporting the U.S. armed forces and NOAA through the National Weather Service's SkyWarn system. For these reasons, there is a *mutual interest in sharing between compatible services* like Amateur Radio and the U.S. government. However, there are *no mutual interests* in common with for-profit private land mobile services; "sharing", as in the AVL example, will result in the loss of 420-430 and 440-450 MHz by the Amateur service, which will prove devastating to the mission of the Amateur Radio service.

Many government agencies and non-profit disaster relief organizations would be tremendously harmed by the loss of the Amateur 420-430 and 440-450 MHz allocations.

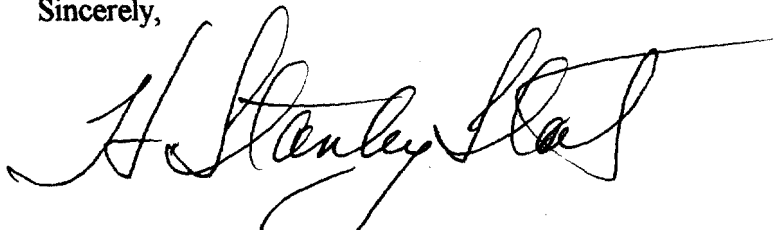
The following is a partial list of agencies that I have assisted with providing emergency communications via Amateur Radio using the 420-450 MHz band:

- Montgomery County Radio Amateur Civil Emergency Service (RACES)

Private and for-profit radio services do not have mutually compatible interests with the Amateur Radio Service. Sharing between private land mobile and the Amateur Radio Service, as proposed by the LMCC, will not work. The 420-450 MHz band is the second most used VHF/UHF Amateur Radio allocation. The loss of these frequencies will cause severe disruption to the mission of Amateur Radio, as specified in C.F.R. Title 47 Part 97.1, and will render severe harm to the Amateur's ability to support numerous government and non-profit relief agencies.

I respectfully request that you DENY the request of the LMCC to share the Amateur radio allocations at 420-430 and 440-450 MHz. Instead, I request that the Commission restore Amateur Radio's historic co-primary status in the entire band 420-450 MHz.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Stanley Staten', with a long horizontal flourish extending to the right.

H. Stanley Staten, W3JNK
12012 Cheyenne Rd
Gaithersburg, MD 20878-2012

May 20, 1998